

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Atty. Docket: BARN / 94US3

Applicant: Mark D. Lockwood, Steven C. Peake

Title: METHOD AND APPARATUS FOR DETERMINING LIQUID ABSORPTION OF  
AGGREGATE

03945 U.S. PTO  
10/667172  
09/19/03

**CERTIFICATE OF MAILING BY EXPRESS MAIL - 37 CFR 1.10**

'Express Mail' mailing label number: EV355035489US

Date of Deposit: September 19, 2003

I certify that this paper or fee (along with the enclosures noted herein) is being deposited with the United States Postal Service 'Express Mail Post Office to Addressee' service under 37 CFR 1.10 on the above date and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Kenneth Eads  
By: Kenneth Eads (person mailing paper)

**UTILITY PATENT APPLICATION TRANSMITTAL**

*Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450*

This is a request for filing, under 37 CFR § 1.53(b), a(n):

- ☐ Original (non-provisional) application.
- ☐ Divisional of prior application Serial No. \_\_, filed on \_\_.
- ☐ Continuation of prior application Serial No. \_\_, filed on \_\_.
- ☒ **Continuation-in-part of prior application Serial No. 10/294,856, filed on November 14, 2002, which is a continuation of Serial No. 09/643,329 filed August 22, 2000, now U.S. Patent No. 6,486,475 issued November 26, 2002.**

For Divisional and Continuation applications ONLY:

- ☐ Copy of Executed Declaration, Power of Attorney and Petition Form from parent application is enclosed (as noted below in Enclosures).
- ☒ **Incorporation by Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied herewith, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.**

For all Divisional, Continuation and Continuation-in-part applications:

- ☐ Small Entity Status was requested in the prior application, and small entity status is still proper and desired.
- ☐ This application is assigned to \_\_ by virtue of an earlier assignment filed in the prior application at Reel \_\_, Frame \_\_.

### PRELIMINARY AMENDMENT/CALCULATION OF FEES

- ☐ Please cancel claims \_\_ without prejudice, and prior to calculating the fees. \_\_ total claim(s), of which \_\_ is(are) independent, is(are) pending after the amendment.
- ☐ Please enter the enclosed preliminary amendment identified below prior to calculating the fees. \_\_ total claim(s), of which \_\_ is(are) independent, is(are) pending after the amendment.
- ☐ Small Entity Status is Requested
- ☒ **The Fees are Calculated as Follows:**

Fee:	Number of Claims:	In Excess of:	Extra:	At Rate:	Amount:
Total Claims	16	20	0	\$18	\$0.00
Independent Claims	2	3	0	\$84	\$0.00
MULTIPLE DEPENDENT CLAIM FEE					
BASIC FEE					\$750.00
TOTAL OF ABOVE CALCULATIONS					\$750.00
REDUCTION BY 50% FOR FILING BY SMALL ENTITY					
TOTAL					\$750.00

### ENCLOSURES

- ☒ **Utility Patent Application Transmittal Form (in duplicate) containing Certificate of Mailing By Express Mail Under 37 CFR 1.10.**
- ☒ **Return Postcard.**

#### APPLICATION PAPERS

- ☒ **Utility Patent Application, with: 27 page(s) specification (including 16 total claim(s), of which 2 is(are) independent, and 1 page(s) abstract).**
- ☒ **Drawings: 5 sheet(s) of formal drawings (6 total figure(s)).**
- ☐ Microfiche Computer Program (Appendix).
- ☐ Nucleotide and/or Amino Acid Sequence, including (all are necessary): Computer Readable Copy, Paper Copy (identical to computer copy), and Statement verifying identity of copies.
- ☒ **An Executed Declaration, Power of Attorney and Petition Form.**
- ☐ Copy of Executed Declaration, Power of Attorney and Petition Form from prior application identified above.
- ☐ Certified Copy of priority document(s) identified as attached above.

#### ADDITIONAL PAPERS

- ☒ **Assignment to Barnstead/Thermolyne Corporation of 2555 Kerper Boulevard, Dubuque, Iowa 52001, Recordation Cover Sheet (Form PTO-1595)**
- ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i)
- ☐ Preliminary Amendment (to be entered prior to calculation of fees)
- ☐ Information Disclosure Statement, \_\_ sheet(s) Form PTO-1449, \_\_ U.S. Patent Reference(s), \_\_ Foreign Patent Reference(s) and \_\_ Other Reference(s)
- ☐ Other: Copy of Petition for Extension of Time filed 09/17/03 in Serial No. 10/294,856.

CHECKS

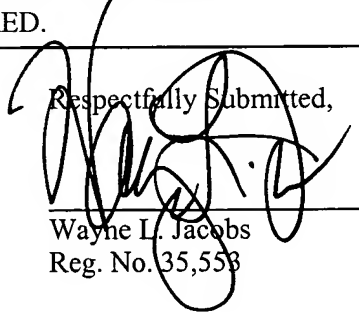
- ☒ A Check of \$750.00 for the filing fee.
- ☒ A Check of \$40.00 for the assignment recording fee.

**DEPOSIT ACCOUNT AUTHORIZATION**

- ☐ Please charge Deposit Account No. 23-3000 in the amount of \_\_\_\_.
- ☒ **The Commissioner is authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required during the entire pendency of the application, or credit any overpayment, to Deposit Account No. 23-3000. A duplicate of this transmittal is attached.**
- ☐ THE PAYMENT OF FEES IS BEING DEFERRED.

WOOD, HERRON & EVANS, L.L.P.  
2700 Carew Tower  
441 Vine St.  
Cincinnati, Ohio 45202  
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WLJ/mad

Respectfully Submitted,

  
\_\_\_\_\_  
Wayne L. Jacobs  
Reg. No. 35,553

I hereby certify that this correspondence is being deposited  
with the United States Postal Service as first class mail in  
an envelope addressed to Commissioner For Patents,  
P. O. Box 1450, Alexandria, VA 22313-1450  
on September 17, 2003

Wayne L. Jacobs Reg. 35,553

Date 9/17/03

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Roger W. Earle, Sr., et al

Art Unit: 2878

Serial No.: 10/294,856

Examiner: Shun Lee

Filed: 11/14/02

For: METHOD AND APPARATUS FOR DETERMINING LIQUID ABSORPTION OF  
AGGREGATE

**Petition for Extension of Time**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR §1.136(a), Applicant respectfully petitions for an extension of time of three (3) months from the original response date of July 7, 2003 for responding to the outstanding Official Action in the above-identified patent application. With the extension of time, the period for response now extends up to and includes October 7, 2003. A check for \$930.00 is enclosed herewith.

If any charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

Wayne L. Jacobs  
Reg. No. 35,553

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